

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11832-GAO

RONNIE JONES, RICHARD BECKERS, WALTER R. WASHINGTON,
WILLIAM E. BRIDGEFORTH, SHAWN N. HARRIS, EUGENE WADE,
GEORGE C. DOWNING, JR., CLARARISE BRISTOW and the
MASSACHUSETTS ASS'N OF MINORITY LAW ENFORCEMENT
OFFICERS,
Plaintiffs,

v.

CITY OF BOSTON, BOSTON POLICE DEPARTMENT and KATHLEEN
O'TOOLE as she is Commissioner of the Boston Police
Department.
Defendants.

**DEFENDANT BOSTON POLICE DEPARTMENT'S MOTION TO DISMISS
PLAINTIFFS' COMPLAINT.**

NOW COMES the City of Boston Police Department, Defendant in the above-entitled action (hereinafter, "the Police Department"), and moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss all counts of the Plaintiffs' Complaint directed against it.

As grounds therefore, the Police Department states that it has no legal existence or liability to suit separate from the City of Boston, against whom each of the claims directed against the Police Department is already directed. Any order of this Court directed against the City of Boston is already binding upon the Police Department, and the claims against it are therefore redundant and superfluous.

In support of its motion, the Police Department submits the attached Memorandum of Law.

Respectfully submitted,
DEFENDANT, BOSTON POLICE DEPARTMENT

Merita A. Hopkins
Corporation Counsel

By its attorneys:

s/ James M. Chernetsky

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Certification Pursuant to Local Rule 7.1(a)(2)

I hereby certify that on September 22, 2005, I conveyed to Rheba Rutkowski, Esq., counsel for the Plaintiffs, the grounds for this Motion and that the Parties were unable thereafter to resolve the issues presented herein.

s/ James M. Chernetsky
